

December 3, 1998

MEMORANDUM

TO: AIR PERMIT MANAGERS

FROM: John M. Daniel, Jr., P.E., DEE
Director, Air Program Coordination

SUBJECT: Memo Number 98-1003. Primary Authority for Implementation and Enforcement of the 40 CFR Part 63 Standards to Virginia

COPIES: Regional Directors
Regional Permit Managers
Robert L. Beasley, Manager, Air Permit Programs
Richard G. Rasmussen, Manager, Small Business Assistance Program
E. Gordon Kerby, Environmental Engineer Consultant
Tamara M. Thompson, Environmental Engineer Consultant
John E. Schubert, Air Inspections Coordination

On April 20, 1998, EPA delegated the primary authority for implementation and enforcement of the 40 CFR Part 63 standards to Virginia. This included the authority to waive record keeping and reporting requirements.

On November 19, 1998, EPA wrote again and said that they erred in granting authority for 40 CFR 63.10(f) A Waiver of Record Keeping and Reporting Requirements. IF YOU RECEIVE SUCH REQUESTS IN THE FUTURE, PLEASE INFORM THE SOURCE THAT WE NO LONGER HAVE THIS AUTHORITY.

A copy of the EPA letter is attached, and a notice of this action will appear in the Federal Register soon.

JMD/jw
Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

Mr. Dennis H. Treacy, Director
Virginia Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240

NOV 19 1998

Dear Mr. Treacy:

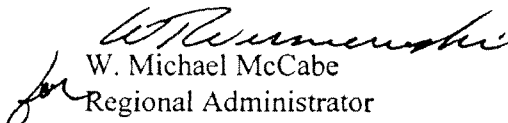
By letter of April 20, 1998 the Environmental Protection Agency (EPA) delegated the primary authority for implementation and enforcement of the 40 CFR Part 63 standards to the Commonwealth of Virginia. This letter listed certain authorities which could be exercised by Virginia on a case-by-case basis, with notification to EPA. Included in these authorities was the waiver of record keeping requirements and applicable sections of relevant standards.

Subsequent to our delegation, the EPA regional offices were informed of a national change to the authorities which may be delegated to states. We have been informed that EPA must retain authorities where decisions could result in a change to the stringency of the underlying standard, such that the changes would be nationally significant or require a rulemaking. As such, 40 CFR 63.10(f) "Waiver of Recordkeeping or Reporting Requirements" can no longer be delegated to states. EPA is hereby revoking the delegation of this authority to Virginia. This action will be announced in a future federal register notice.

This change to the delegation of authority does not affect any final actions Virginia has taken to date regarding requests for waiver of recordkeeping requirements. However, any requests for such waivers which are currently pending must now be forwarded to EPA for approval.

If you would like to discuss this matter further, please do not hesitate to contact me or have your staff contact Marilyn Powers at (215) 814-2308.

Sincerely,


W. Michael McCabe
Regional Administrator

cc: Mr. John M. Daniel Jr., VADEQ
Mr. Robert Mann, VADEQ